



GNE.3230R1C49

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Goddard, et al.
Appl. No. : 10/063,569
Filed : May 2, 2002
For : SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME
Examiner : Hunnicutt, Rachel Kapust
Group Art Unit : 1647

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We declare and state as follows:

1. We are the inventors of the invention claimed in the above-captioned patent application.
2. During the time period in which I participated in the events and activities described herein, I was employed by Genentech, Inc., the assignee of the above-captioned application.
3. All of the events and activities described herein were performed by us personally, or by others at our direction as part of our duties as employees of Genentech, Inc.
4. The invention claimed in the above-captioned patent application was conceived prior to December 8, 1999 and diligently reduced to practice thereafter in the U.S. as described below.
5. Prior to December 8, 1999, we conceived of the invention claimed in the above-captioned patent application. Prior to December 8, 1999, the idea of investigating several newly discovered DNA sequences for their relevance, including developing primers and cloning the DNA sequences of interest from normal and tumor tissues, was conceived. The attached sequence printout (Exhibit A), dated prior to December 8, 1999, shows the complete sequence of the nucleic acid having the sequence of SEQ ID NO:63, as well as the complete sequence of the amino acid of SEQ ID NO:64. Thus, conception of the invention claimed in the above-captioned patent application occurred prior to December 8, 1999.

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6. The date deleted from Exhibit A is prior to December 8, 1999. This date was redacted pursuant to M.P.E.P. § 715.07. The date that remains is the date the report was printed, March 21, 2005.

7. After these initial experiments, we continued to produce primers, clone and sequence other DNA sequences. We then began to identify the expression levels of the cloned sequences, and created constructs for expression of the encoded proteins. PCR primers for DNA59844, were designed on November 24, 1999. The following primers were designed and used: oli.out1:<59844.f2 OLI25002>CACTCCTCCACCAGGACTCGGAG; and oli.out1:<59844.r2 OLI25003>GGATTAGGGAAGCCAGCTGGGATG.

8. Thereafter, the primers were tested for expression in various normal and tumor tissues on June 6, 2000 (Exhibit B). This page show a gel in which the primers were used to determine tissue and tumor expression levels for the DNA59844 sequence. This gel data shows that DNA59844 is more highly expressed in normal esophagus tissue and melanoma tumor than in esophageal tumor and normal skin, respectively. These data show diligence in reducing to practice following conception of the invention and actual reduction to practice therefore occurred by at least June 6, 2000. Thus, we conceived of the present invention prior to December 8, 1999 and were diligent in reducing the invention to practice by at least June 6, 2000.

9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

By: 
Audrey Goddard

Date: 3/31/05

By: _____
Paul J. Godowski

Date: _____

By: _____
J. Christopher Grimaldi

Date: _____

By: _____
Austin L. Gurney

Date: _____

By: _____
William I. Wood

Date: _____

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By: _____

Date: _____

Andrey Goddard

By: _____

Date: 3/29/05

Paul J. Godowski

By: _____

Date: _____

J. Christopher Grimaldi

By: _____

Date: _____

Austin L. Gurney

By: _____

Date: _____

William I. Wood

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By: _____ Date: _____
Audrey Goddard

By: _____ Date: _____
Paul J. Godowski

By: _____ Date: 3/28/05
J. Christopher Grimaldi

By: _____ Date: _____
Austin L. Gurney

By: _____ Date: _____
William I. Wood

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By: _____
Audrey Goddard

Date: _____

By: _____
Paul J. Godowski

Date: _____

By: _____
J. Christopher Grimaldi

Date: _____

By: _____
Austin L. Gurney

Date: 7/28/05

By: _____
William I. Wood

Date: _____

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By: _____
Audrey Goddard

Date: _____

By: _____
Paul J. Godowski

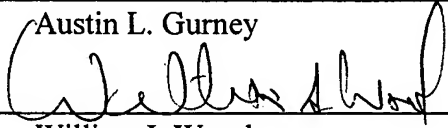
Date: _____

By: _____
J. Christopher Grimaldi

Date: _____

By: _____
Austin L. Gurney

Date: _____

By: 
William I. Wood

Date: 3/21/05